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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 26 October 2004 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the Chairman's letter dated 21 June 2004, has the honour to submit to the Committee the first report on steps taken to implement the resolution (see annex).

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Annex to the note verbale dated 26 October 2004 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Committee

Viet Nam's first country report on the implementation of Security Council resolution 1540 (2004)

Pursuant to paragraph 9 of UNSC Resolution 1540 (2004), Viet Nam would like to submit the report to the 1540 Committee on the measures it has taken and will take to implement this Resolution as follows:

1. Measures that have been and will be taken to implement paragraphs 1, 2, 3 of Resolution 1540(2004).

Viet Nam strongly commits to refrain from providing any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Viet Nam has adopted and enforced effective laws which prohibit any non-state actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. In particular, not only prohibit the non-state actor, the State of Viet Nam herself does not carry out any of the above-mentioned activities.

Viet Nam has taken and will continue to take effective measures to control and prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including the formulation of the appropriate control measures over related materials. These measures include:

- In 1996, Viet Nam promulgated the Ordinance on Radiation Safety and Control, which clearly stipulates that the State controls all radioactive establishments, activities and sources. The Ministry of Science and Technology is the state management body on atomic energy, nuclear and radiation safety. According to the provisions of this Ordinance, all radioactive-related activities belonging to either the State or private sector, including possession, utilization, manufacture, import or export and transportation of the radioactive sources and materials shall be subject to the permission and under the control of the Ministry of Science and Technology.

- In the year 2000, in order to further strengthen and perfect the management system and measures, the Viet Nam Atomic Energy Agency together with the Nuclear and Radiation Safety Bureau (now known as the Nuclear and Radiation Safety and Control Department) formulated and, since then have implemented the Action Plan for National Nuclear and Radiation Safety. The main components of this Plan are to further improve laws on the safety and control of radioactive sources, enact the Government's Decree to implement the Ordinance on Radiation Safety and Control, and the Decree on Administrative Punishments for Violations of the Radiation Safety and Control, and other related circulars, standards, and instructions; to ensure a sound and complete state management on the safety and control of radioactive sources from the central to local levels; to set up the licensing and inspection mechanisms.

- Besides its mandate for chemical control, the Ministry of Industry is also the National Coordinating Agency responsible for the implementation of the Convention on Chemical Weapons. Most of chemicals in Schedules 1,2,3, which are categorized as toxic chemicals and precursors regulated in the Convention on Chemical Weapons, have been added to the List of prohibited toxic chemicals for export and import (Annex 1/SD) issued with Circular 08/2001/TT-BCN on 14th September 2001 by the Ministry of Industry). No individuals are allowed to export and import these chemicals. Currently, the Ministry of Industry is coordinating with relevant agencies to draft a Government's Decree on administrative punishments on acts violating the provisions in the Convention on Chemical Weapons, which is submitted to State competent agencies for consideration. Consideration to criminalize prohibited acts in accordance with the Convention on Chemical Weapons is being made to amend the Criminal Code.

- The import of vaccines and bio-products are controlled by the Ministry of Health according to Circular 09/2001/TT-BYT of 21st May 2001 of the Ministry of Health.

- For temporary imports and re-exports, permissions must be obtained from the Ministry of Trade. In fact, there has been no case of import and re-export involving nuclear, biological and chemical weapons and their means of delivery.

- For transshipments: Decision No.815/2001/QD-BTM issued on 1st August 2001 by the Ministry of Trade on the pilot implementation of container transshipment services at Ben Nghe Port, Ho Chi Minh City prohibits transshipments consist of weapons, ammunition, explosives, military technical equipments, toxic chemicals enclosed in the list of prohibited toxic chemicals for import and export.

- For goods in transit: all transit agreements between Viet Nam, Cambodia and Laos have provisions that forbid transit of toxic chemicals and radioactive substances. In case transit goods are arms, ammunition, explosives and military equipment for national defense and security, there must be licenses from the Ministry of Trade of the transit country based on the written request from the Trade Minister of the country requesting for transit. Vietnam-China transit agreement forbids transit of goods that are subject to export and import prohibitions as regulated by each country; accordingly, nuclear, chemical, biological weapons and their means of delivery are subject to transit prohibition.

The Vietnamese customs have taken and will continue to take the following measures in implementing Resolution 1540 (2004):

- Cooperate with Customs of countries and international organizations in countering cross-border trafficking of illegal and forbidden goods, and to combat terrorism, trans-border crimes and other forms of crimes.

- Strengthen information exchange, technical assistance and human resources training, intensify bilateral/multilateral cooperation and participate in related international forums.

- Implement projects on capacity building and customs modernization and further provide modern equipment such as container scanners, cameras and others at land border-gates, international ports and airports, so as to strengthen control over cross-border goods.

- Develop and maintain effective and suitable supervision measures for cross-border goods and make efforts in law enforcement to discover, intercept and prevent the illegal transshipment of smuggled and forbidden goods, ammunition, explosive material and other toxic substances.

2. Information on the implementation of paragraphs 6, 7, 8, 9 and 10 of Resolution 1540 (2004)

It is Vietnam's unswerving position to support full and comprehensive disarmament of weapons of mass destruction. Therefore, Viet Nam has been an active party to international conventions/treaties prohibiting the above-mentioned weapons. Viet Nam has ratified or acceded to the following conventions/treaties:

- The 1925 Geneva Protocol on the Prohibition of the Use in War of Asphyxiating, Poisonous and other Gases and Methods of Germ Wars.

- The 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

- The 1972 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Biological Weapons.

- The 1992 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons.

- The Nuclear Safeguard Agreement.

- The Treaty on Southeast Asian Nuclear-Free Zone (SEANFZ).

- Viet Nam has signed the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT) and is considering to ratify it in due course.

Viet Nam strictly observes the international conventions/ treaties to which she is a party. If required, Viet Nam amends, supplements, abolishes or promulgates domestic legislatives in line with these conventions/treaties. At present, Viet Nam has established a relatively adequate legal framework to control all kinds of weapons, toxic, explosive, flammable and radio-active substances. The 1999 Penal Code of Viet Nam, for instance, covers this issue in a number of articles. These include Article 155 on the manufacturing, storage, transport and traffic in prohibited goods, Article 236 on the manufacturing, storage, transport, use and traffic in radio-active

substances and Article 238 on the manufacturing, storage, transport, use and traffic in flammable and toxic substances. Current laws of Viet Nam prohibit all kinds of proliferation of nuclear, chemical, biological weapons and their means of delivery.

Nearly 40 bilateral agreements/treaties signed between Viet Nam and other countries also cover acts of manufacturing, acquiring, possessing, developing, transporting and using nuclear, chemical and biological weapons. Cooperation to prevent and combat crimes and terrorist activities relating to Resolution 1540 (2004) is usually one of the priorities incorporating in these bilateral agreements/treaties.

3. Conclusion

It is Viet Nam's consistent position to support general and complete disarmament of all weapons of mass destruction. As long as these weapons exist there is a great risk to our planet, especially this risk has become an increasingly potential threat in the current context of international terrorism.

Therefore, Viet Nam strongly supports the spirit of Resolution 1540 (2004). More than ever before, the world community should join hands to prevent the proliferation of weapons of mass-destruction and their means of delivery. Once again, Viet Nam would like to reaffirm her principle position that Resolution 1540(2004) should be executed on the basis of respect for the United Nations Charter and international law, national independence and sovereignty, non-interference into other country's internal affairs and peaceful settlement of all disputes. Furthermore, the prevention of the proliferation of weapons of mass destruction should not be abused to hamper the export-import and technology transfer for peaceful purposes./.